

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN FRANCISCO BAY REGION

ORDER NO. 87-071

ORDER REQUIRING THE CITY OF ST. HELENA TO CEASE
AND DESIST FROM DISCHARGING WASTE CONTRARY TO
REQUIREMENTS AND TIME SCHEDULES PRESCRIBED BY
THE CALIFORNIA REGIONAL WATER QUALITY CONTROL
BOARD, SAN FRANCISCO BAY REGION, AND AMENDING
ORDER NO. 86-7

The California Regional Water Quality Control Board, San Francisco Bay
Region, (hereinafter called the Board) finds that:

1. The Board adopted a Water Quality Control Plan for the San Francisco Bay Basin (Basin Plan) in April 1975 (revised in July 1982). The Basin Plan prohibits the discharge of wastewater which has characteristics of concern to beneficial uses into any non-tidal waters except where a discharge is approved as part of a reclamation project.
2. The City of St. Helena (hereinafter called the Discharger) operates a 0.5 million gallon per day (MGD) wastewater treatment plant which is located in a non-tidal section of the Napa River. Release of effluent to the Napa River would require the Discharger to implement a water reclamation project. Moreover, during summer months, the Napa River does not supply a flow large enough to maintain the minimum required dilution for the discharge. Summertime water reclamation project therefore becomes an essential element for wastewater disposal.
3. The Discharger, since 1979, has proposed several different type of waste disposal methods to comply with Board requirements but has not successfully implement any water reclamation project. A chronological summary of the Discharger's past attempts and the Board's actions are listed below:

<u>Date</u>	<u>Proposed Project</u>	<u>Board Order Adopted</u>	<u>Reason for Delay</u>
8/79	Full Reclamation (no discharge)		
10/79		1. NPDES Order #79-134 2. Cease and Desist Order #79-135	Financial Constrain
7/81	Partial Reclamation at Mardikian Ranch (summer irrigation/ winter discharge)		
9/81		1. Revised NPDES Order #81-53 2. Cease and Desist Order #81-54	Difficulty in Land Acquisition

6/83	Flood Irrigation on Christian Brother Land		
7/83		1. Cease and Desist Order #83-26 2. Water Reclamation Requirements Order #83-27	Environmental Concern
9/84	Golf Course Spray Irrigation Project		
11/85		Water Reclamation Requirements Order #85-133	Citizen Objection

4. Since January 1986, considerable opposition against the golf course spray irrigation project was voiced by adjacent property owners and concerns were expressed regarding the adequacy of project EIR (Environmental Impact Report) as well as the changing of land use. The Discharger thus determined that a Supplemental EIR and subsequent public hearings were required.
5. The Board, on February 19, 1986, adopted a revised Cease and Desist Order No. 86-7. The requirements of Cease and Desist Order No. 86-7 provide, in part, as follows:

" ...

- B. Compliance with the discharge prohibition of the Basin Plan and Prohibitions 3, 4, and Pond Limitation 2 of this Board's Order No. 81-53 shall be achieved according to the following time schedule:

<u>Task</u>	<u>Completion Date</u>
1. Complete a certified Supplemental EIR	June 1, 1986
2. Submit a time schedule acceptable to the Board Executive Officer for the construction of an effluent disposal facility at the earliest possible date.	June 1, 1986

..."

6. The Board, on November 19, 1986, adopted Order No. 86-80, a reissued National Pollutant Discharge Elimination System (NPDES) permit (rescinding Order No. 81-53) to prescribe waste discharge requirements for the Discharger. Order No. 86-80 states:

"...

(finding)

7. The Board hereby grants an exception to Basin Plan prohibitions for this discharge to Napa River during wet weather months if wastewater is used during dry weather in a water reclamation project.

...

A. Prohibitions

...

3. The discharge of wastewater to Napa River is prohibited from May 1 through November 30 of each year. The Executive Officer may authorize discharge prior to November 30 or later than May 1 based on a demonstration that rainfall has produced adequate dilution in Napa River at the discharge point.
4. The discharge of wastewater at any point at which the wastewater does not receive an initial dilution of at least 50:1 (receiving water to wastewater flow) is prohibited. Exceptions may be allowed by the Executive Officer for seasons having a diluting flow less than a recurrence interval of once every ten years. In these cases, the Discharger is required to document all circumstances surrounding the discharge.

...

D. Pond Limitations

...

2. A minimum freeboard of at least 2 feet shall be maintained in the ponds.

..."

7. During the seven month (May 1 through November 30) discharge prohibition period of each year, the Discharger currently stores treated effluent in its oxidation ponds due to lack of an effluent disposal system. The Discharger has requested extensions of the discharging period (prior to December 1, or later than April 30) on several occasions since November 1983. During the early winter of 1985-86 and 1986-87, the Discharger experienced substantial threats of pond overflow and, in order to protect the integrity of the treatment system, was forced to discharge pond effluent into the Napa River with less than the required 50:1 dilution ratio.
8. The Board has determined that, in the absence of adequate wastewater disposal capability during dry months, additional discharge to the Discharger's sewer system will increase the number and magnitude of violations of waste discharge requirements and will further unreasonably impair water quality. Therefore, the Board has included a provision (connection ban) in Cease and Desist Order No. 86-7 to

prohibit additional discharges to the sewer by dischargers who did not discharge to the sewer system prior to the issuance of Order No. 86-7. The Board considers the above still a valid concern and intends to continue the connection ban until the Discharger has reasonably demonstrated compliance with Board requirements.

9. The Board has determined that the Discharger has had an unreasonably long history of delays in selecting and implementing the required water reclamation project, and therefore has adopted Resolution No. 86-001 on February 19, 1986 for the referral of this case to the State Attorney General to take appropriate actions against the Discharger.
10. The Discharger has completed the Supplemental EIR (as described in Finding 4 above) in December 1986 and, through subsequent public hearings, has determined to proceed with an agricultural operation type of water reclamation project on the originally proposed golf course site (Christian Brother property). The Discharger is attempting to attract an agricultural operator of the site, but would operate the project on an interim basis. The Discharger, by letter dated March 26, 1987, has proposed a new time schedule to implement the water reclamation project.
11. The Discharger is in violation of, or is threatening to continue to violate the requirements described in Findings 6 of this Order.
12. This action is an order to enforce waste discharge requirements adopted by the Board. This action is therefore exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to Section 15321 of the Resource Agency Guidelines.
13. In a public meeting starting at 9:30 a.m. on Wednesday, June 17, 1987, in the Assembly Room, State Building, 1111 Jackson Street, Oakland, after due notice to the Discharger and other affected persons, the Board conducted a public hearing at which the Discharger and other interested persons appeared and evidence was received concerning the discharge.

IT IS HEREBY ORDERED THAT:

- A. The Discharger shall cease and desist from discharging wastes contrary to the requirements listed in Finding 6 of this Order.
- B. Compliance with the discharge prohibition of the Basin Plan and Prohibitions 3, 4, and Pond Limitations 2 of this Board's Order No. 86-80 shall be achieved according to the following time schedule:

<u>Tasks</u>	<u>Completion Date</u>
1. Give Notice to Proceed to the Contractor	August 15, 1987
2. Start construction of the effluent disposal system	November 1, 1987
3. Complete construction	September 30, 1988

- C. Additional discharges to the Discharger's sewer system by dischargers who did not discharge into the system prior to February 19, 1986, are prohibited; provided the following are excluded from this provision: (a) projects under construction or which were issued building or sewer connection permits before January 19, 1986, (b) projects which would eliminate discharges from existing dwellings which have waste disposal systems causing more severe water quality problems than those caused by the community sewer system, or (c) projects which would alleviate an extreme public hardship or a public health problem. Exclusions pursuant to (b) and (c) shall be obtained by application to and approval of the Board's Executive Officer.
- D. This Board will consider the partial removal of the prohibition of additional discharges to the sewer system when the Discharger demonstrates to the Board that they have commenced construction of the required water reclamation project.

The Discharger must submit to the Board adequate documentation of completion of the above task at least 30 days prior to the Board meeting at which they are requesting consideration for partial removal of the prohibition. If the Board determines that the Discharger has forthwith achieved and completed the above task and that compliance with other limitations and time schedules has not deteriorated, the Board will partially remove said prohibition and will allow the Discharger additional discharges sufficient to serve those proposed projects for which the Discharger has received and processed all documents required by the Discharger for issuance of a building permit.

The Board will consider adding significant tasks not specified above, as they become apparent, which represent a measure of substantial progress by the Discharger as additional bases for the partial removal of this prohibition and allowance of additional discharges to the sewer system.

- E. This Board will consider the complete removal of the prohibition of additional discharges to the sewer system when the Discharger demonstrates to the Board that the required water reclamation project has been completely constructed and is functioning properly as an effluent disposal unit.

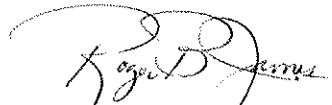
The Discharger must submit to the Board adequate documentation of completion of the above tasks at least 30 days prior to the Board meeting at which they are requesting consideration for removal of the prohibition.

- F. The Discharger is required to submit to the Board by the first day of each calendar quarter, beginning October 1, 1987, a report, under penalty of perjury, on progress toward compliance with this Order. If noncompliance or threatened noncompliance is reported, the reasons for noncompliance and an estimated compliance date shall be provided.
- G. If, in the determination of the Executive Officer, the Discharger fails to comply with the provisions of this Order, the Executive Officer

is authorized, after approval of the Board Chairman, to request the Attorney General to take the appropriate enforcement actions against the Discharger, including injunction and civil monetary remedies, if appropriate, or the Executive Officer may schedule a hearing for Board imposition of administrative civil liability.

H. If the Executive Officer determines that the provisions of this Order are violated and does not refer the matter to the Attorney General, he is instructed to report to the Board the reasons that the Discharger has been unable to comply with the provisions of this Order.

I, Roger B. James, Executive Officer, do hereby certify the foregoing is a full, true, and correct copy of an Order adopted by the California Regional Water Quality Control Board, San Francisco Bay Region, on June 17, 1987.


ROGER B. JAMES
Executive Officer